

# House Study Bill 518 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

## A BILL FOR

1 An Act modifying notification requirements applicable to  
2 underground facility excavations where underground  
3 facilities are present.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 480.4, subsection 1, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. Except as otherwise provided in this section, prior to  
4 any excavation, an excavator shall contact the notification  
5 center and provide notice of the planned excavation. This  
6 notice must be given at least forty-eight hours, excluding  
7 Saturdays, Sundays, and legal holidays, but not more than ten  
8 calendar days prior to the commencement of the excavation,  
9 ~~excluding Saturdays, Sundays, and legal holidays.~~ Notices  
10 received after 5:00 p.m. shall be processed as if received at  
11 8:00 a.m. the next business day. The notice shall be valid  
12 for twenty calendar days from the date the notice was provided  
13 to the notification center. The notification center shall  
14 establish a toll-free telephone number to allow excavators to  
15 provide the notice required pursuant to this subsection.

16 Sec. 2. Section 480.4, subsection 1, Code 2014, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. e. At the time of giving notice to the  
19 notification center pursuant to this subsection, an excavator  
20 shall use white paint, flags, stakes, or a combination thereof,  
21 to mark the proposed area of excavation unless it can be shown  
22 to be impractical. Electronic means of white-lining may be  
23 used if that method is supported by the notification center.  
24 The marking required under this subsection shall be done in a  
25 manner that will last for a minimum of five working days on any  
26 nonpermanent surface, or a minimum of ten working days on any  
27 permanent surface.

28 Sec. 3. Section 480.4, subsection 3, paragraph a,  
29 subparagraph (1), Code 2014, is amended to read as follows:

30 (1) An operator who receives notice from the notification  
31 center shall mark the horizontal location of the operator's  
32 underground facility and the excavator shall use due care in  
33 excavating in the marked area to avoid damaging the underground  
34 facility. The operator shall complete such locating and  
35 marking, and shall notify the notification center that the

1 marking is complete within forty-eight hours after receiving  
2 the notice, excluding Saturdays, Sundays, and legal holidays,  
3 unless otherwise agreed by the operator and the excavator.  
4 Upon receipt of such notice from the operator, the notification  
5 center shall notify the excavator the marking is complete  
6 in accordance with paragraph "d". The locating and marking  
7 of the underground facilities shall be completed at no cost  
8 to the excavator. If, in the opinion of the operator, the  
9 planned excavation requires that the precise location of the  
10 underground facilities be determined, the excavator, unless  
11 otherwise agreed upon between the excavator and the operator,  
12 shall hand dig test holes to determine the location of the  
13 facilities unless the operator specifies an alternate method.

14 Sec. 4. Section 480.4, subsection 3, paragraph a, Code 2014,  
15 is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (3) Unless otherwise agreed by the  
17 operator and excavator in writing, no excavation shall be  
18 performed within twenty-five feet of an underground natural  
19 gas transmission line as defined in 49 C.F.R. pt. §192.3 or  
20 other underground facility designated a critical facility  
21 by an operator, unless a representative of the operator of  
22 the underground natural gas transmission line or designated  
23 critical facility is present at the planned excavation area.

24 Sec. 5. Section 480.4, subsection 3, paragraph b, Code 2014,  
25 is amended to read as follows:

26 *b.* An operator who receives notice from the notification  
27 center and who determines that the operator does not have  
28 any underground facility located within the proposed area of  
29 excavation shall notify the ~~excavator~~ notification center, and  
30 the notification center shall notify the excavator, concerning  
31 this determination prior to the indicated date of commencement  
32 of excavation within forty-eight hours after receiving the  
33 notice, excluding Saturdays, Sundays, and legal holidays.

34 Sec. 6. Section 480.4, subsection 3, Code 2014, is amended  
35 by adding the following new paragraph:

1     NEW PARAGRAPH.   *d.*   For the purposes of this chapter,  
2 notifications provided to the excavator by the operator or  
3 by the notification center shall be provided in a consistent  
4 manner to be established by the board by rule.

5	EXPLANATION
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6           The inclusion of this explanation does not constitute agreement with  
7           the explanation's substance by the members of the general assembly.

8     This bill modifies notification requirements applicable to  
9 excavations where underground facilities are present.

10 Currently, an excavator is required to provide notice to  
11 the notification center established in Code chapter 480 of a  
12 planned excavation at least 48 hours prior to the excavation,  
13 excluding Saturdays, Sundays, and legal holidays. The bill  
14 adds the requirement that the notice not be provided more than  
15 10 calendar days prior to the commencement of the excavation,  
16 and that notices received after 5:00 p.m. shall be processed  
17 as if received at 8:00 a.m. the next business day. The bill  
18 also provides that the notice shall be valid for 20 calendar  
19 days from the date it was provided to the notification center.  
20 The bill provides that in addition to providing notice of a  
21 proposed excavation, an excavator shall use white paint, flags,  
22 stakes, or a combination thereof to mark the proposed area of  
23 excavation unless it can be shown to be impractical, and that  
24 electronic means of white-lining may be used if that method is  
25 supported by the notification center. The marking is required  
26 to be done in a manner that will last for a minimum of five  
27 working days on any nonpermanent surface, or a minimum of 10  
28 working days on any permanent surface.

29 The bill additionally provides that an operator who receives  
30 notice from the notification center of a proposed excavation  
31 and who complies with locating and marking requirements within  
32 the currently required 48-hour time frame excluding Saturdays,  
33 Sundays, and legal holidays, must notify the notification  
34 center that the marking is complete within that same time  
35 frame. Upon receipt of this notice, the bill requires the

1 notification center to notify the excavator the marking is  
2 complete in accordance with a new provision in the bill stating  
3 that notifications shall be provided in a consistent manner  
4 established by the board of directors of the notification  
5 center.

6 Further, the bill provides that unless otherwise agreed by  
7 the operator and excavator in writing, no excavation shall  
8 be performed within 25 feet of an underground natural gas  
9 transmission line or other underground facility designated  
10 a critical facility by an operator, unless a representative  
11 of the operator of the underground natural gas transmission  
12 line or designated critical facility is present at the planned  
13 excavation area.

14 Finally, the bill provides that an operator who receives  
15 notice from the notification center and who determines that the  
16 operator does not have any underground facility located within  
17 the proposed area of excavation shall notify the notification  
18 center, with the notification center then notifying the  
19 excavator, of this fact, rather than direct notification by the  
20 operator to the excavator as currently required, and that this  
21 notification shall be provided to the excavator within 48 hours  
22 after receiving the notice, excluding Saturdays, Sundays, and  
23 legal holidays.